

PRICE 10 CENTS.

OLD - TIME BLUE LAWS

FROM THE RECORDS OF

MAINE, NEW HAMPSHIRE, VERMONT, MASSACHUSETTS, CONNECTICUT, RHODE ISLAND, NEW YORK, VIRGINIA, MARYLAND,

(INCLUDING THE WITCHCRAFT CODE)

AND OTHER CURIOUS OLD COLONY PENALTIES
AND ORDERS.

TOGETHER WITH THE

New England Sunday Laws of To-Day.

BY

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NEW ENGLAND BLUE LAWS.

FROM THE RECORDS OF MASSACHUSETTS BAY, PLYMOUTH AND NEW
HAVEN COLONIES AND CONNECTICUT.

"Upon the Sabbath they'll no physic take,
Lest it should worke, and so the Sabbath breake."

—Ancient Poet.

Following are selections from the old records, showing the most interesting of the genuine blue laws of the early colonial times, concluding with the majority, the curious ones, of the "Peters' blue laws," which good authorities believe are largely distortions and concoctions. The old Massachusetts Sabbath laws were little stricter than now, with the exception of marked instances that are quoted:

SUNDAY LAWS AND ORDERS OF THE GENERAL COURT OF THE COLONY OF MASSACHUSETTS.

Taken from the Records—1630—1760.

1635. Whereas, complainte hath bene made to this Courte that dyvers persons within this jurisdiction doe usually absent themselves from church meetings upon the Lord's day, power is therefore given to any two assistants to heare and sensure, either by fine or imprisonment (at their discretion) all misdemeanors of that kind committed by any inhabitant within this jurisdiction, provided they exceede not the fine of 5 shillings for one offence.

1630. It is ordered that John Baker be whipped for shooting at fowl on the Sabbath day.

1669. Any p'son or p'sons that shall be found smoaking tobacco on the Lord's Day, going too or coming from the meetings, within two miles of the meeting house shall pay 12 pence for every such default to the collonie's use.

1692-93. All and every justices of the peace, constables and tythingmen are required to restrain all persons from swimming in the water, unnecessary and unreasonable walking in the streets or fields in the town of Boston, or other place; keeping open their shops or following their secular occasions or recreations in the evening preceding the Lord's day, or on any part of the said day or evening following.

An Act in addition to the Act entitled "An Act for the better observation and keeping of the Lord's Day" made and passed by the Great and General Court held at Boston in 1692.

1716. Whereas, in and by the said act it is declared: "That no tradesman, artificer, labourer, or other person whatsoever, shall

upon the land or water, do and exercise any labour, business or work of their ordinary calling, nor use any game, sport, play or recreation on the Lord's Day, or any part thereof (works of necessity and charity duly excepted) upon pain that every person so offending shall forfeit 5s"; and further, that no traveller, drover, horse-courser, wagoner, butcher, higler, or any of their servants, shall travel on that day or any part thereof, except as by the said law is excepted, upon the pain of 20s." Notwithstanding which many persons do presume to work and travel on the said day.

Therefore, for the effectual preventing such immoral and irreligious practices, be it resolved:—That whoever shall for the future, contrary to said Act, do or exercise any labour, business or work of their ordinary callings, or use any game, sport, play or recreation on the Lord's Day, or any part thereof, shall forfeit and pay the sum of 10s; and all persons travelling contrary to said act, the sum of 20s for the first offence, and upon a second conviction of either of the aforesaid offenses, double the respective sums afore-mentioned, and be also bound with sureties for their good behavior to the next Sessions of the Peace in such county where said offenders shall be convicted. And that if any person being able of body and not otherwise necessarily prevented, shall for the space of one month together absent themselves from the public worship on said day, the Grand Jurors are hereby directed and required to present such persons to the General Sessions of the Peace, who, unless they can make proof that they have not so absented themselves, but have attended divine worship in some public assembly, shall forfeit and pay the sum of 20s. And in case any of the offenders mentioned in this Act shall be unable or refuse to satisfy their fine, they shall be adjudged to be sent in the Cage or Stocks not exceeding three hours, according to the discretion of the Justices.

A provision made in 1760, when the Lord's Day laws were remodelled:

Be it further enacted that no person shall keep open shop, warehouse, or workhouse, or hawk or sell any provisions or wares in the streets or lanes of any town or district, or be present at any concert of musick, dancing, or other public diversion, on the evening next preceding the Lord's Day, on pain of forfeit 10c. for each offence; and no retailer, innholder or person licenced to keep a publick house shall entertain or suffer to remain, or be in their houses or yards or other places appurtenant any person or persons, (travellers, strangers or lodgers excepted), drinking or spending their on the said evening, on penalty of 10c. for each offence.

IN THE STATE OF MASSACHUSETTS.

IT WAS THE SHORTEST SUNDAY KNOWN, BUT YOU HAD TO GO
TO CHURCH.

1782. Be it enacted, that the above (Lord's Day) regulations respecting the due observation of the Lord's Day extend to the time included between the midnight preceding and the sun setting of the same day.

That each person being able of body, and not otherwise necessarily prevented, who shall for the space of one month together absent him or herself from the public worship of God on the Lord's Day shall forfeit and pay the sum of 10s. *provided there be any place of worship in which they can conscientiously and conveniently attend.*

(This clause in italics and the act making the legal Sabbath end at sundown were added at the above date. Before this people were legally obliged to go to church whether it were their church or not, while before this and again since 1844, [when the legislature in an act passed March 16, made the Sabbath a legal day of 24 hours], the Sabbath included the time from Saturday sunset, or midnight, it varying some in this respect, till Sunday midnight.)

OTHER INTERESTING OLD MASSACHUSETTS LAWS.

A BOYCOTT ON WITCHES.

The witchcraft Law, as it was remodeled by the General Court, 1693, being substantially in effect, though not so precisely formulated, since 1648. Disallowed by Privy Council in 1695.

Be it enacted, that if any person or persons shall use, practice or exercise any invocation or conjuration of any evil or wicked spirit, or shall consult, covenant with, entertain, employ, feed or reward any evil and wicked spirit, to or for any intent or purpose, or take up any dead man, woman or child, out of his, her or their grave, or any other part of any dead person, to be employed and used in any manner of witchcraft, enchantment, charm or sorcery, whereby any person shall be killed, destroyed, wasted, or consumed, pined or lamed in his or her body, or any part thereof; that then every such offender or offenders, their aiders, abettors and counsellors, being of any of the said offences duly and lawfully convicted and attained, shall suffer pains of death as a felon or as felons.

And further, to the intent that all manner of practice, use or exercise of witchcraft, enchantment; charm or sorcery should be henceforth utterly avoided, abolished and taken away:

Be it enacted by the authority aforesaid:—(Sec. 2) That if any person or persons shall take upon him or them, by witchcraft, enchantment, charm or sorcery, to tell or declare in what place any treasure of gold or silver should or might be found or had in the earth or any secret places; or where goods or things lost or stolen should be found or become; or to the intent to provoke any person to unlawful love; or whereby any cattle or goods of any person shall be destroyed, wasted or impaired, or to hurt or destroy any person in his or her body, although the same be not effected and done; that then all and every such person and persons so offending and being thereof lawfully convicted, shall for the said offence suffer imprisonment by the space of one whole year, without bail or mainprize; and once in every quarter of the said year shall in some shire town stand openly upon the pillory the space of six hours, and there shall openly confess his or her error or offence, which said offence shall be written in capital letters and be placed upon the breast of said offender. And if any person or persons being once convicted of the same offence, and shall again commit the like offence, and being of any of the said offences the second time lawfully and duly convicted and

attained, as is aforesaid, shall suffer pain of death, as a felon or felons.

(While some, like the Springfield man, were lucky enough to be acquitted, many persons, men and women, were executed in Salem, Boston and other places under this law.)

Whereas, Hugh Parsons, of Springfield, was arraigned and tried at a Court of Assistants, held at Boston, 12th of May, 1652, for not having the feare of God before his eies, but being seduced by the instigation of the divill, in March, 1651, and diverse times before and since, at Springfield, as was conceived, had familiar and wicked converse with the divill, and hath used diverse divilish practices, or witchcrafts, to the hurt of diverse persons, as by several witnesses and circumstances appeared, was left by the Grand Jury for further trial for his life they judged he was not legally guilty of witchcrafte, and so not to die by law.

OF INTEREST TO THE KNIGHTS OF LABOR.

It is ordered that maister carpenters, sawers, masons, clapboard-ryvers brickelayers, tylars, joyners, wheelwrights, mowers, &c., shall not take above 2 shillings a day, finding themselves dyett, and not above 14 pence a day if they have dyett found them, under the penalty of 5 shillings, both to giver and receiver, for every day that there is more given and received. Also that all other inferior workmen of the said occupations shall have such wages as the constables of said place, and two other inhabitants that they shall chuse, shall appoynt.

Also, it is agreed, that the best sorte of labourers shall not take above 18 pence a day if they dyett themselves, and not above 8 pence a day if they have dyett found them, under the aforesaid penalty.

Maister taylours shall not take above 12 pence a day and the inferior sorte not above 8 pence if they be dyeted, under the aforesaid penalty; and for all other worke they doe at home, proportionably, and soe for other worke that shall be done by the greate, or by any other artificer.

Further, it is ordered, that all workmen shall worke the whole daye, allowing convenient time for food and rest.

It is ordered, that noe person, howseholder, or other, shall spend his time idly or unprofitably, under paine of such punishment as the Court shall think meet to inflict; and for this end it is ordered, that the constable of every place shall use spetiall care and deligence to take knowledge of offenders in this kind, especially of common coasters (i. e. vagrants) unprofitable fowlers, and tobacco takers, and to present the same to the two nexte Assistants, who shall have power to here and determine the cause, or, if the matter be of importance to transfer it to the court.

BULLETS AS CURRENCY.

It is ordered that maskett bullets of a full bore shall pass currently for a farthing apiece; provided that noe man be compelled to take above 12 pence at a tyme in them.

WOULD BE ROUGH ON THE DRESSMAKERS NOWADAYS.

1634. The Court, takeing into consideration the greate, superfluous and unnecessary expenses occasioned by reason of some newe and immodest fashions, as also the ordinary weareing of silver, golde and silke laces, girdles, hatbands, etc., hath therefore ordered that noe person, either man or women, shall hereafter make or buy any apparrell, either woollen, silke or linnen, with any lace on it, silver, golde, silke or threed, under the penalty of the forfeiture of such cloathes.

Also that no person, either man or women, shall make or buy any slashed cloathes, other than one slashe in each sleave and another in the backe, also all cutworks, embroidered or needlework capps, bands, and rayles, are forbidden hereafter to be made and worne, under the aforesaid penalty.

Moreover, it is agreed, if any man shall judge the wearinge of any the fore-named particulars, new fashions, or long haire, or anything of the like nature to be uncomely or prejudiciall to the common good, and the party offending reforme not the same upon notice given him, that then the nexte Assistant, being informed thereof, shall have power to bind the party so offending to answer it at the next Courte, if the case so requires.

Provided, and it is the meaning of this Court, that men and women shall have liberty to weare out such apparrell as they are now provided of, (except the immoderate greate sleeves, slashed apparrell, immoderate greate rayles, long wings, etc.) This order to take place a fortnight after the publishing thereof.

REGULATING BEER PRICES.

It is ordered, that noe person that keeps an Ordinary shall take above 6 pence a meale for a pearson, and not above 1 penny for an ale quarte of beare, out of meal tyme, under the penalty of 10s. for every offence, either of dyett or beare.

JIM AND THE REST OF THE GANG WERE JUST AS BAD THEN.

1637. Benjamin Hubbard was solomnly admonished of his failing for being in company with James Brown and the reste, and often drynking of the strong water bottle with them and not reproving them.

1636. Robert Shorthose, for swearing by the blood of God ('Odsblood or 'Sblood was a favorite oath then) was sentenced to have his tongue put into a cleft stick and to stand so by the space of half an houre.

THEY TOOK THE CAKE.

It is ordered that no person shall sell any cakes or buns, either in the market or victualling houses, or elsewhere, upon paine of ten shillings fine; provided that this order shall not extend to such cakes as shall bee made for any buriall or marriage or such like special occasion.

ODDS AND ENDS.

It is ordered that all persons that have cards, dice or tables in houses, shall make away with them before the nexte court, under paine of punishment.

It is ordered that Phillipe Ratliffe shall be whipped, have his ears cut off, fined £40 and banished out of the lymmits of this jurisdiction for uttering malicious and scandalous speeches against the government and the church of Salem.

It is ordered that Josias Plastswe shall (for stealing 4 baskets of corne from the Indians) return them 8 baskets again, be fined £5 and hereafter to be called Josias, and not Mr., as formerly he used to be.

1632. It is ordered that no person shall take any tobacco publicly under paine of punishment.

1633. Capt. John Stone for his outrage committed in confronting authority, abusing Dr. (Justice) Roger Ludlowe both in words and behaviour, assaulting him and calling him a Just ass, is fined £100 and prohibited coming within this patent without leave from the government under penalty of death.

1633. Roberte Cole is fined £11, and enjoined to stand with a whitesheete of paper on his back, whereon A DRUNKHARD shall be written in greate letters and to stand therewith soe long as the court thinks mete, for abusing himself with drinke.

A COLD SHAKE FOR QUAKERS.

1658. This Court doth order and enact, that every person or persons of the cursed sect of Quakers, who is not an inhabitant of but found within this jurisdiction, shall be apprehended (without warrant) where no magistrate is at hand, by any constable, commissioner or selectman, and conveyed from constable to constable until they come before the next magistrate, who shall comitt the said person or persons to close prison, there to remain without bail until the next Court of Assistants, where they shall have a legal trial by a spetiall jury, and being convicted to be of the sect of Quakers, shall be sentenced to banishment upon paine of death.

INTERESTING LAWS OF PLYMOUTH COLONY.

1650. It is enacted by the Court that whoever shall profane the Lord's day by doing servill worke or any such like abuses, shall forfeit for every such default forty shillings or be publicly whipt.

1661. It is enacted by the Court that whatsoever person or persons shall absent or neglect upon the Lord's Day the public worship of God that is approved by this government shall forfeit for every such default 10s.

1670. It is enacted by the Court that the constable or his deputie shall dilligently looke after such as sleep or play about the meetinge houses in times of the publick worship of God on the Lord's Day, and take notice of their names and return such of them to the Court whoe do not, after warning given to them, reform.

Sollomme Compaction or conversing with the divill by way of witchcraft or the like shall be a capital offence lyable to death.

IN OLD CONNECTICUT.

Popularly called the State of "Blue Laws," but no worse than others.

The early Laws of Connecticut were, many of them, similar to those of the Colony of Massachusetts Bay, from which they were copied. The enforcement of the Sabbath was quite as strict. Following are some of the unique laws and orders quoted from the records:

1642. If any man or woman be a witch (that is, consulteth with a familiar spirit) they shall be put to death.

If any man after legal conviction, shall have or worship any God but the Lord God, he shall be put to death.

1650. It is ordered that no foreigners, after the 29th day of September next, shall retail any goods by themselves, in any place within this jurisdiction, nor shall any inhabitant retail any goods which belong to any foreigner, for the space of one whole year after the said 29th of September next, upon penalty of confiscation of the value of one half of the goods so retailed, to be paid by the seller of them.

1650. If a man have a stubborn and rebellious son of sufficient years and understanding, viz., sixteen years of age, which will not obey the voice of his father or the voice of his mother, and that when they have chastened him, will not hearken unto them, then may his father and mother, being his natural parents, lay hold on him and bring him to the magistrates assembled in court, and testify unto them that their son is stubborn and rebellious, and will not obey their voice and chastisement, but lives in sundry notorious crimes, such a son shall be put to death.

THE TOBACCO HABIT FROWNED ON.

1647. Forasmuch as it is observed that many abuses are crept in and committed by frequent taking of tobacco, it is ordered by authority of this court, that no person under the age of twenty years, nor any other that hath brought a certificate under the hands of some who are approved for knowledge and skill in physic, that it is usful to him, and that he hath received a license from the Court for the same. And for the regulating of those who, by their former taking it, have to their own apprehensions made it necessary to them, or upon due advice, persuaded to the use thereof: It is ordered, that no man within the colony, after the publication hereof, shall take any tobacco publicly in the streets, highways, or any barn yards, or upon training days in any open places, under the penalty of sixpence for each offence against this order in any of the particulars thereof, to be paid without gainsaying, upon conviction by the testimony of one witness that is without just exception, before any one magistrate? And the constables in the several towns are required to make presentment to each particular Court of such as they do understande and evict to be trangressors of this order.

1650. Upon complaint of great disorder by the use of the game called *Shuffle-board in houses of common entertainment, whereby

*Otherwise Shovel-board. Played by sliding pieces of metal on a long board to mark.

much precious time is spent unfruitfully, and much waste of wine and beer occasioned:—It is therefore ordered and enacted by the authority of this Court, that no person shall henceforth use the said game of Shuffle-bord in any such house, nor in any other house used as common for such purpose, upon paine for every keeper of such house to forfeit for every such offence 20s. ; and for every person playing at the said game in any such house to forfeit for every such offence, 5s. The like penalty shall be for playing in any place at any unlawful game.

SOME LAWS AND ORDERS OF THE NEW HAVEN COLONY.

From the Records—1640—60.

1643. If any person be a witch he or she shall be but to death.

Whoever shall prophane the Lord's day, or any part of it, either by sinful servile work, or by unlawful sport, recreation, or otherwise whether wilfully, or in careless neglect, shall be duly punished by fine, imprisonment, or corporally, according to the nature and measure of sin and offence. But if the court upon examination, by clear and satisfying evidence, find that the sin was proudly, presumptuously and with high-hand committed against the known command and authority of God, the person therein despising and reproaching the Lord, shall be put to death that all others may fear and shun such provoking rebellious courses.

1642. It is ordered that no young men shall live by themselves in cellars, but betake themselves to such families as the masters thereof may not only watch over them, but be able to give an account of, or concerning them or their conversation, when they shall be required.

1657. It is ordered, that no Quaker, Ranter, or other heretic of that nature, be suffered to come into, nor abide in this jurisdiction, and if any such rise up among ourselves, that they may be speedily suppressed and secured, for the better prevention of such dangerous errors.

1640. Thomas Frankland, for drinking strong liquors to excess and entertaining disorderly persons into his cellar to drinking meetings, together with his contempt of the court, was whipped, fined 20s. and deprived of his cellar and lot, and liberty of staying in the plantation being only granted to him on his good behavior.

THE OLD, OLD STORY—FIRST RECORD OF WATERMELON HOOKING.

1647. William Pert was warned to the Court for taking water-melons one Lord's day out of Mr. Hooke's lot; and Mr. Hooke complaineth that he hath often been abused this way: and since that time his orchard hath been robbed. William Pert's answer was that his master sent him into the quarter and to see whether there were any hogs within the fence, and he was bid by his master to bring home a watermelon with him, he being bid to go that way through Mr. Hooke's lot after the Sabbath; he took two watermelons; he said it was the first act of his in this kind, and hoped it would be the last. For his unrighteousness and profaneness of his spirit and way, so

soon thus to do after the Sabbath, he was publicly corrected although moderately because his repentance doth appear.

IT WAS A LONG SERMON TO PETER.

1648. The Court ad'udgeth Peter Bussakar, for his filthy and profane expressions (i. e., that he hoped to meet some of the members of the church in hell ere long and did not question but he should) to be committed to prison; there to be kept in custody till the sermon, and then to stand in the time thereof in the pillory, and after sermon to be severely whipped.

COURTS COULD KEEP BUSY ON THIS.

For the preventing and avoiding that foul and gross sin of lying, it is ordered, that when any person or persons shall be accused and proved guilty of that vice it shall be lawful for the particular court to adjudge and censure any such party, either by fine or bodily correction, according as they shall judge the nature of the fault to require.

REVERENED SAM PETERS' NEW HAVEN "BLUE LAWS."

Samples of the "blue laws" of New Haven Colony, given by Rev. Samuel Peters in his "General History of Connecticut," published in 1781, and often quoted. These are alleged by Connecticut authors to be largely fiction, as official record of but few such laws has been found, though compared with authentic laws of colony times they are not at all improbably, and quite likely were in force at an earlier period than Peters describes. Peters says: "The laws made by this independent dominion, and denominated Blue Laws by the neighboring colonies, were never suffered to be printed; but the the following sketch of some of them will give a tolerable idea of the spirit which pervades the whole.

CREAM OF THE PETERS CODE.

No food or lodging shall be afforded to a Quaker, Adamite or other Heretic. If any person turns Quaker, he shall be banished, and not suffer to return but upon pain of death.

No Priest shall abide in the Dominion; he shall be banished and suffer death on his return. Priests may be seized without a warrant.

Married persons must live together or be imprisoned.

A debtor in prison swearing he has no estate shall be let out, and sold, to make satisfaction.

Whoever sets fire in the woods and it burns a house shall suffer death.

Whoever weare cloaths trimmed with gold, silver or bone lace, above two shillings by the yard, shall be presented by the grand jurors, and the selectmen shall tax the offender at £300 estate.

Whoever says there is a power and jurisdiction above and over this dominion, shall suffer death and loss of property.

Whoever brings cards or dice into this dominion shall pay a fine of £5.

No one to cross a river but with an authorized ferryman.

No one shall read Common Prayer, keep Christmas or Saints' days, make minced pies, dance, play cards, or play on any instrument of music except the drum, trumpet and jews-harp.

No Gospel minister shall join people in marriage. The magistrates only shall join in marriage, as they may with less scandal to Christ's church. Every male shall have his hair cut round according to a cap. "When caps were not to be found," says Peters, "they substituted the hard shell of a pumpkin around the head. The pumpkin or pompion is one of the greatest blessings, and held very sacred in New England. Its skin, or shell, serves for caps to cut the hair and for very useful lanthorns."

No one shall run on the Sabbath day, or walk in the garden or elsewhere, except reverently to and from meeting.

No one shall travel, cook victuals, make beds, sweep house, cut hair, or shave on the Sabbath day.

The Sabbath shall begin at sunset on Saturday.

No woman shall kiss her child on the Sabbath or fasting day.

The following is given by another writer:—(1656). If any man shall kiss his wife or wife kiss her husband on the Lord's day, the party in fault shall be punished at the discretion of the court of magistrates.

BLUE LAWS OF OTHER STATES.

NEW YORK UNDER THE DUTCH.

PROCLAMATION AGAINST UNAUTHORISED CONVENTICLES.

1656. "To promote the glory of God, the increase of the (Dutch) Reformed religion, and the peace and harmony of the country, all preachers not having been called thereto by lawful authority, are forbidden to hold conventicles not in harmony with the established religion as set forth by the Synod of Dort, and here in this land and in the fatherland, and in other reformed churches observed and followed." Every unlicensed preacher who violated this ordinance incurred a fine of 100 pounds, Flemish, and every person who should attend such a prohibited meeting became liable to a penalty of 25 pounds.

1659. The Directors order that Lutherans shall not be allowed the public exercise of their religion.

1656. The sheriff of Flushing, Wm. Hallet, removed from office, fined 50 pounds, Flemish, and banished, and to remain in prison till his fine and costs are paid, for allowing Baptist conventicles in his house.

1657. In a proclamation against Quakers,—vessels bringing any Quaker in the province were to be confiscated, and every person

who should entertain a Quaker for a single night was to be fined 50 pounds.

1647. Jonas Sonassen, a soldier, for robbing henroosts and killing a pig, sentenced to ride the wooden horse three days, from 2 p. m. to the conclusion of the parade, with a fifty pound weight tied to each foot.

1658, Nicholas Albertson, for deserting his ship, and his betrothed, after publication of the banns, is sentenced to have his head shaved, then to be flogged and have his ears bored, and to work two years with the Company's negroes.

1642. The defendant in an action for slader was sentenced to "throw something in the box for the poor."

1646. A ship's chief mate, for smuggling and theft, and for an assault on the commissary, sentenced by the council to jump three times from the yard-arm, to be whipped by all the crew, and immediately afterwards turned out of the ship with loss of three months' wages.

NEW YORK UNDER THE ENGLISH.

1699. All Jesuits, Seminary Priests, Missionaries or ecclesiastical persons, made or ordained by any power or jurisdiction derived or pretended from the Pope See of Rome, now residing or being within this province, must depart therefrom on or before the first day of November, 1700. If any such continue, remain, or come into the province after the said first of November, he shall be deemed an incendiary, a disturber of the public peace, an enemy of the true Christian religion, and shall suffer perpetual imprisonment.

If any such person being actually committed, shall break prison and escape, he shall be guilty of felony, and if retaken, shall die as a felon.

Persons receiving, harbouring, succouring, or concealing any such person, and knowing him to be such, shall forfeit the sum of £200 pounds, shall be set in the pillory three days, and find sureties for good behavior.

Any Justice of the Peace may cause any person suspected to be of the Romish clergy, to be apprehended.

Any person without warrant, may seize, apprehend, and bring before a magistrate any person suspected of the crime above named, and the Governor with the Council, may suitably reward such person as they shall think fit.

1707. Information having been received that "two Presbyterian preachers, Rev. Francis Makemie and Rev. John Hampton, were spreading their Pernicious Doctrine and Principles, to the great disturbance of the church by law established, and of the government of this province," they were arrested and jailed for two months, and Makemie, though acquitted by jury, after that imprisonment, had to pay costs of prosecution, \$300.

[The above clergymen were on their way to New England, and stopped a few days in New York, one preaching once in a private house in New York, and the other in New-town, L.

ANCIENT LAWS OF VIRGINIA.

Some not unlike the New England "Blue Laws."

REGARDING RELIGION, SLOVENLY HABITS AND SCANDAL.

1610. That no man blaspheme God's holy name, upon paine of death; or use unlawful oaths, taking the name of God in vain, curse or ban, upon pain of severe punishment for the first offence so committed, and for the second, to have a bodkin thrust through his tongue; and if he continue the blaspheming of God's holy name, for the third time so offending he shall be brought to a martial court, and there receive censure of death for his offence.

Every man and woman duly twice a day, upon the first tolling of the bell, shall upon the working days repair into the church to hear divine service, upon pain of losing his or her day's allowance, for the first omission, for the second, to be whipt, and for the third, to be condemned to the galleys for six months.

Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath day, and in the afternoon to divine service and catechising, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second to lose the allowance and also be whipt; and for the third to suffer *death*.

There shall no man or woman, launderer or laundress, dare to wash any unclean linen, drive bucks, or throw out the water or suds of foul clothes in the open street, within the palisades or within forty feet of the same, nor reñch (rinse) and make clean any kettle, pot or pan, or such like vessel, within 10 foot of the old well or new pump. . . . upon pain of whipping and further punishment, as shall be thought meet by the censure of a martial court.

1662. The court in every county shall cause to be set up a pillory, a pair of stocks, and a whipping poste, neere the court house, and a *ducking stoole* in such a place as they shall think convenient, that such offenders as by the laws are to suffer by any of them may be punished according to their demerits. Any court failing to execute this order within six months shall be fined 5,000 lbs. of tobacco.

1662. Whereas, oftentimes many brabbling women slander and scandalize their neighbors, for which their poore husbands are often brought into chargeable and vexatious suits aud costs in grate damage:

Be it therefore enacted, that in actions of slander occasioned by the wife as aforesaid, after judgement passed for damages, the woman shall be punished by ducking; and if the slander be so enormous as to be adjudged at a greater damage then 500 lbs. of tobacco, then the woman to suffer a ducking for each 500 lbs. adjudged against the husband if he refuse to pay the tobacco.

1541. Popish recusants shall not exercise the places of secret counsellors, register, commissioners, surveyor or sheriff, under forfeiture of 1,000 lbs. of tabacco.

It shall not be lawful, under the penalty aforesaid, for any popish priest that shall arrive, to remain above five days after warning given

by the governor or commander of the place where he or they shall be, if wind and weather hinder not his departure.

1660. Whereas there is an unreasonable and turbulent sort of people, commonly called Quakers, who, contrary to law, do dayly gather together unto them unlawful assemblies and congregations of people, teaching, and publishing lies, miracles, false visions, prophecies, and doctrines, etc., To prevent and restrain which mischief:

It is enected, That no master or commander of any ship or other vessel do bring into this collonie any person or persons called Quakers, under penalty of 100 pounds sterling.

That all Quakers as have been questioned or hereafter arrive shall be apprehended wheresoever they shall be found, and imprisoned without bail or mainprize till they do adjure this country or putt in security with all speed to depart the collonie, and not to return again. And if they should the third time be so audacious and imprudent as to return hither, they shall be proceeded against as felons (i. e. punished with death).

Any person inhabiting this country, entertaining any Quaker in or near his house, to preach or teach, shall for every time of such entertainment be fined 5,000 lbs. of tobacco.

A FINE PIECE OF LEGAL HUMOR.

1632. Mynisters shall not give themselves to *excess* in drinking or ryott, spending their time idelleie by day or night, playing at dice, cards, or any unlawful game, but at all times *convenient* they shall heare *somewhat* of tne holy scriptures, or shall occupie themselves with some other honest studies or exercise, always doing the things which shall appertain to honestie, and endeavor to profit the church of God, having always in mind that they ought to excell all others in puritie of life, and should be examples to the people to live well and Christianlie.

OLD MARYLAND LAWS.

UNDER CATHOLIC AND PROTESTANT ADMINISTRATIONS.

In April, 1649, the Maryland Assembly, composed of Roman Catholics and Protestants, passed an act establishing the religious freedom of all Christians, but imposing the penalty of death for blasphemy and the denial and reproach of the Holy Trinity, and a fine of £5 for speaking reproachfully against the Blessed Virgin or the Apostles. Few of the earliest laws of Maryland were preserved. The following are from revisions of 1699:

1649—1699. If any person whatsoever inhabiting this province shall blaspheme, that is, curse God, deny our Savior to be the Son of God, or deny the Holy Trinity, or the Godhead of any of the three persons, or the unity of the Godhead, or shall utter any reproachful words or language concerning the Holy Trinity, or any of the three persons thereof, he or she shall for the first offence be bored through the tongue, and fined £20 sterling, to the king, or if the party hath not an estate sufficient to answer the sum, then to suffer six months, imprisonment. For the second offence, he or she shall be stigma-

tized in the forehead with the letter B, and fined £40 sterling or be imprisoned one year. And for the third offence, he or she so offending and thereof legally convicted, shall suffer death, with confiscation of all their goods and chattels to the king.

If any person prophanely swear or curse, in the hearing of one justice of the peace or head officer of the town, or that shall be, thereof convicted by the oath of one witness before any one justice or other head officer or by confession of the party, she shall forfeit 5s to the king.

1699. Every ordinary keeper that shall demand or take above 10 lbs of tobacco for a gallon of small beer, 20 lbs of tobacco for a gallon of strong beer, 4 lbs of tobacco for a night's lodging in bed, 12 lbs of tobacco for a peck of Indian corn or oats, 6 lbs of tobacco for a night's grass for a horse, 10 lbs of tobacco for a night's hay or straw, shall forfeit for every such offence 500 lbs of tobacco.

No ordinary keeper shall refuse to credit any person capable of giving a vote for election of delegates in any county, for any accommodations by him vended, to the value of 400 lbs of tobacco, under penalty of 400 lbs of tobacco.

No ordinary keeper within this province, during the time of his keeping ordinary, shall be elected to serve as deputy or representative in the General Assembly.

No inhabitant of this Province shall sell without license any cider, quince drink or other strong liquor, to be drunk in his or her house, upon penalty of 1000 lbs of tobacco for every conviction.

WHEN ENGLAND'S HAND WAS FELT.

1700. The book of Common Prayer and administration of the Sacraments, with other rites and ceremonies of the Church of England, etc., shall be solemnly read by all the ministers in the churches and other places of worship in this Province.

In every parish where any minister or incumbent shall reside no justice or magistrate shall join any persons in marriage under the penalty of 5000 lbs. of tobacco to the king.

For the encouragement of able ministers, etc., instead of tithes, a tax or assessment of 40 lbs. of tobacco per poll shall be yearly levied upon every taxable person in every parish in this Province. Which said assessments shall always be paid to the ministers of every parish.

[Tobacco, while prohibited in New England, was currency in Virginia and Maryland where it was the leading product and article of commerce.]

New England Sunday Laws of the Present Day.

MASSACHUSETTS.

SECTION I. Whoever is present at a game, sport, play or public diversion, except a concert of sacred music, upon the evening of the Lord's Day, unless such game, sport, play or public diversion is licensed by the persons or board authorized by law to grant licenses

in such cases, shall be punished by fine not exceeding \$5 for each offence.

SEC. 5. Whoever on the Lord's day keeps open his shop, warehouse or workhouse, or does any manner of labor, business or work, except works of necessity and charity, or takes part in any sport, game or play, or except as allowed and prohibited in the preceding section, is present at any dancing or public diversion, show or entertainment, shall be punished by fine not exceeding \$50 for each offence; but nothing in this section shall be held to prohibit the manufacture and distribution of steam, gas, or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescriptions of surgeons, nor the letting of horses and carriages, nor the letting of yachts or boats, nor the running of steam ferry boats on established routes, or street railway cars, nor the preparation, printing and publishing of newspapers, nor the retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of bath houses, nor the making and selling by bakers or their employees of bread or other food usually dealt in by them before 10 of the clock in the morning and between the hours of 4 of the clock and half past 6 of the clock in the evening.

SEC. 3. Whoever, keeping a house, shop, cellar, or a place of public entertainment or refreshment, entertains therein on the Lord's day any persons other than travellers, strangers, or lodgers, or suffers such persons on said day to abide or remain therein, in yards, orchards, or fields appertaining to the same, drinking or spending their time idly or at play, or in doing any secular business shall be punished by fine not exceeding \$50 for each person so entertained or suffered so to abide or remain; and upon any conviction after the first, by fine not exceeding \$100; and if convicted three times he shall thereafter be incapable of holding a license.

SEC. 4. No person licensed to keep a place of public entertainment shall entertain or suffer to remain or be in his house, yard or other places appurtenant, any persons other than travellers, strangers or lodgers in such house, drinking and spending their time there on the Lord's day, or the evening preceding the same; and every such innholder or other person so offending shall be punished by fine not exceeding \$5 for each offence.

SEC. 5. No person shall serve or execute any civil process on the Lord's day; but such service shall be void, and the person serving or executing such process shall be liable in damages to the party aggrieved in like manner as if he had no such process.

SEC. 6. Whoever on the Lord's day behaves rudely or indecently within the walls of any house of public worship shall be punished by fine not exceeding \$10.

SEC. 7. Prosecutions for penalties incurred under the preceding provisions of this chapter shall be instituted within six months after offence is committed.

SEC. 8. All sheriffs, grand jurors, and constables shall inquire into and inform of all offences against the preceding provisions of this chapter, and cause the same to be called into effect.

Every person who shall be present at any concert of music, dancing, or other public diversion on Sunday or on the evening thereof, shall be fined four dollars. Prosecutions for violations of the two preceding sections shall be commenced one month after the commission of the crime.

No person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and refrains from secular business and labor that day, shall be liable to prosecution for performing secular business and labor on the Sabbath, provided he disturbs no other person while attending public worship. All civil process issued or served between sunrise and sunset on Sunday shall be void.

When any justice of the peace shall have personal knowledge that any person is guilty of drunkenness, profane swearing, cursing or Sabbath breaking, such knowledge shall be sufficient evidence for such justice of the peace to render judgment against him, without previous complaint and warrant, having first caused such person to be brought before him.

Every person who shall, on Sunday, shoot or hunt or have in possession in the open air the implements for shooting, shall be fined not less than \$7 nor more than \$25.

Every person who shall set or draw a seine or gill net in any river between sunset on Saturday evening and the following Sunday evening between the 15th day of March and June, shall be fined \$100.

[Railroad trains can be run in Connecticut on Sunday on'y under certain conditions.]

VERMONT.

The first day of the week shall be kept and observed by the people of this state as a Sabbath, holy day, or day of rest from all secular labor, recreation, and employment; and if any person shall between 12 o'clock of the night preceding and the setting of the sun the same day, exercise any secular labor, business, or employment, except such only as works of necessity or charity, he shall be punished by a fine not exceeding \$2.

If any person shall, between 12 o'clock of the night preceding and the setting of the sun the same day, be present at any public assembly, except such as shall be held for the purpose of social and religious worship and moral instruction, or shall visit from house to house, except it be from motives of humanity or charity, or for moral or religious edification, he shall pay a fine not exceeding \$5.

If any person shall, after setting of the sun on the day preceding the first day of the week, until after 12 o'clock at night on the said first day of the week, hold or resort to any ball or dance, use or exercise any game, sport or play, or resort to any tavern, inn, or house of entertainment, for amusement or recreation, he shall pay a fine not exceeding \$2.

If any person, on the first day of the week, or on any other day or time shall wilfully disturb or interrupt any assembly of people, met together for religious worship or religious instruction, by noisy,

rude or indecent behavior, or profane discourse, either within or about the place where such assembly shall be collected for religious worship or instruction, so near as to disturb the order and solemnity of such assembly, he shall be punished by a fine not exceeding forty dollar, nor less than five dollars, to the use of the town in which the said meeting shall be held.

Selling or offering for sale spirits or spirituous liquors, exhibiting shows or plays, or promoting or aiding any horse racing or gaming of any description within two miles of camp meeting held for religious worship, shall be punished by a fine not exceeding forty dollars, nor less than five dollars.

[This does not apply, however, to lincensed retailers, inn-keepers, or any other pursuing their ordinary business.]

Any person who hunts, shoots or pursues, takes or kills wild game or other birds or animals, or discharges firearms except in the just defence of person or property, or in the performance of military or police duty, on Sunday, shall be fined three dollars, one-half to go to the person who makes the complaint and one-half to the State. All prosecutions for the breach of any of the provisions of this chapter be commenced within thirty days after the commission of the offence, and not after.

RHODE ISLAND.

Every person who shall do or exercise any labor or business or work of his ordinary calling, or use any game, sport, play or recreation on the first day of the week, or suffer the same to be done or used by his children, servants and apprentices, works of necessity and charity only excepted, shall be fined not exceeding five dollars for the first offence, and ten dollars for the second and every subsequent offence.

Every person who shall employ, impove, set to work or encourage the servant of any other person to commit any act named in the preceding section shall suffer the like punishment.

All complaints for violations of the provisions of the proceeding two sections shall be made within ten days after the committing thereof, and not afterwards. (People preferring the Sabbatarian faith, or Jewish religion, who observe the seventh day of the week, are exempt from these laws, as in other states, but if question should arise must be prepared to show a certificate from the pastor or three members of said church or society proving membership.)

No civil process whatever shall be served on Sunday, but every such service shall be utterly void, Every person, not being at the time on military duty, who shall anywhere discharge any firearm on Sunday shall be fined not exceeding twenty dollars.

NEW HAMPSHIRE.

No person shall do any work, business or labor of his secular calling, to the disturbance of others, works of necessity and mercy excepted, on the first day of the week, commonly called the Lord's day; nor shall any person use any play, game or recreation on that day, or any part thereof.

This shall not be construed to prevent necessary repairs in mills and factories which could not be made without throwing many operators out of employment. No person shall, on the Lord's day, within the walls of any house of public worship or near the same, behave rudely or indecently, either in the time of public service or between the forenoon and afternoon services.

Any person offending against any provision of the last two preceding sections of this chapter shall forfeit a sum not exceeding six dollars, which shall be recovered by any selectman or police officer, for the use of the town. No person shall keep open his shop, warehouse, cellar, restaurant, or workshop. for the reception of company, or shall sell or expose for sale any merchandise whatever on the first day of the week, commonly called the Lord's day; but this section shall not be construed to prevent the entertainment of boarders, or the sale of milk, bread and other necessities of life, or drugs and medicines. If any person shall be guilty of a breach of either or the two preceding section, he shall be fined not exceeding \$10, or imprisoned not exceeding thirty days, or both.

If any person shall be guilty of noisy, rude or indecent behavior, of exhibiting shows or plays, or promoting or engaging in horse racing or gambling at or near any religious meeting, so as to interrupt or disturb the same, he shall on conviction by any justice be fined not exceeding \$10. (Aggravated cases, however, are liable to \$50 or 90 days.)

AN OLD MASSACHUSETTS LAW.

Passed in 1632, and, so far as known, never repealed, which if enforced would prove an awkward stumbling block to the fashions of today.

Hereafter no garment shall be made with short sleeves whereby the nakedness of the arm may be discovered in the wearing thereof; and such as have garments already made with short sleeves shall not hereafter wear the same, unless they cover their arms to the wrist with linen, or otherwise; and that hereafter no person whatsoever shall make any garment for women, or any of their sex, with sleeves more than half an ell wide in the widest part thereof, and proportionable for bigger or smaller persons.

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